

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA

v.

DONTE WILLINGHAM

No. 3:13-00169
CHIEF JUDGE HAYNES

MOTION TO CONTINUE TRIAL

GRANTED
This motion is
GRANTED on the
interests of
justice
to allow
defense
counsel
to prepare
for trial
12-3-13

NOW COMES the defendant, Donte Willingham, through counsel, and respectfully requests that this Honorable Court enter an order granting his motion for a continuance of the trial presently set for **December 17, 2013**, and to extend the filing date for pretrial motions. The reasons for this motion are as follows:

1. 18 U.S.C. § 3161(h)(8)(A) provides, in pertinent part, that any period of delay resulting from a continuance granted on the basis of a court's findings that the ends of justice served by the granting of a continuance outweigh the best interest of the public and the defendant in a speedy trial shall be excluded in computing the time within which the trial must commence.

2. The factors which a judge shall consider in determining whether to grant a continuance are found in § 3161(h)(8)(B)(iv). One such factor is whether denial of a continuance would deny counsel for the defendant "the reasonable time necessary for effective preparation, taking into account the exercise of due diligence."

3. A continuance of the trial is necessary so that counsel may further review, investigate and discuss this case with Mr. Willingham..

4. Undersigned counsel has discussed this motion with Assistant United States Attorney Matthias Onderak who has expressed no opposition to a continuance of the trial date from and after December 17, 2013. Additionally, this motion has been discussed with Donte Willingham, who, likewise, has no objection to the granting of a continuance of the trial date in this matter. A speedy trial waiver prepared under the *Plan for Prompt Disposition of Criminal Cases* adopted